

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

v.

CHUCK ARLAND MCFADDEN,

Movant.

No. 2:99-cr-432-WBS-EFB; and
No. 2:13-cv-2415-WBS-EFB

ORDER


Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 30, 2014, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed objections to the findings and recommendations. On March 7, 2014, this Court adopted the findings and recommendations and denied movant's § 2255 motion without prejudice for lack of jurisdiction. On the same day, movant filed belated objections to the findings and recommendations. ECF No. 69. In an abundance of caution, the Court will vacate the March 7, 2014 order adopting the findings and recommendations and reconsider them in light of movant's objections. See Fed. R. Civ. P. 59(e) and 60(b).

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
2 Court has conducted a de novo review of this case, including movant's objections to the findings
3 and recommendations of the magistrate judge. Having carefully reviewed the entire file, the
4 Court again finds the findings and recommendations to be supported by the record and by proper
5 analysis.

6 Accordingly, IT IS HEREBY ORDERED that the order entered on March 7, 2014 (ECF
7 No. 68) adopting in full the findings and recommendations and denying movant's § 2255 motion
8 without prejudice for lack of jurisdiction, is CONFIRMED.

9 Dated: March 17, 2014

10 
11 WILLIAM B. SHUBB
12 UNITED STATES DISTRICT JUDGE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28